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**From:** Barton, Dana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F46447FF86E94ABAABCFAC1009EAAF67-DBARTON]  
**Sent:** 10/29/2020 5:57:45 PM  
**To:** Rongone, Marie [Rongone.Marie@epa.gov]; Lyons, John [Lyons.John@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]  
**Subject:** RE: Talking pts for your call with Sen Feinstein

Good thing we have you two weighing in ☺

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Dana Barton  
Assistant Director, Superfund Division  
California Site Cleanup and Enforcement Branch  
U.S. EPA, Region 9  
Office: (415) 972-3087  
Cell: (415) 271-0322  
[barton.dana@epa.gov](mailto:barton.dana@epa.gov)

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**From:** Rongone, Marie  
**Sent:** Thursday, October 29, 2020 10:57 AM  
**To:** Lyons, John <Lyons.John@epa.gov>; Barton, Dana <Barton.Dana@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>  
**Subject:** RE: Talking pts for your call with Sen Feinstein

I agree with John.

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**From:** Lyons, John <Lyons.John@epa.gov>  
**Sent:** Thursday, October 29, 2020 10:56 AM  
**To:** Barton, Dana <Barton.Dana@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>  
**Cc:** Rongone, Marie <Rongone.Marie@epa.gov>  
**Subject:** RE: Talking pts for your call with Sen Feinstein

**Ex. 5 Deliberative Process (DP)**

I would say:

**Ex. 5 Deliberative Process (DP)**

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**From:** Barton, Dana <Barton.Dana@epa.gov>  
**Sent:** Thursday, October 29, 2020 10:50 AM  
**To:** Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Lyons, John <Lyons.John@epa.gov>  
**Cc:** Rongone, Marie <Rongone.Marie@epa.gov>  
**Subject:** RE: Talking pts for your call with Sen Feinstein

**Ex. 5 Deliberative Process (DP)**

Correct, John and Marie?

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Dana Barton  
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**From:** Manzanilla, Enrique  
**Sent:** Thursday, October 29, 2020 10:18 AM  
**To:** Lyons, John <[Lyons.John@epa.gov](mailto:Lyons.John@epa.gov)>  
**Cc:** Rongone, Marie <[Rongone.Marie@epa.gov](mailto:Rongone.Marie@epa.gov)>; Barton, Dana <[Barton.Dana@epa.gov](mailto:Barton.Dana@epa.gov)>  
**Subject:** Re: Talking pts for your call with Sen Feinstein

## Ex. 5 Deliberative Process (DP)

Thanks

Tour going well.

Enrique

Sent from my iPhone

On Oct 29, 2020, at 8:44 AM, Lyons, John <[Lyons.John@epa.gov](mailto:Lyons.John@epa.gov)> wrote:

Hi John

Regarding your second question, yes the Natural Resource Trustees have been engaged in that work since the late 1980's. Here is the link to the Montrose Settlements Restoration Program , established, chaired and staffed by the NRD Trustees:

[rosere restoration.noaa.gov/about-us/](https://rosere restoration.noaa.gov/about-us/)

## Ex. 5 Deliberative Process (DP)

the modern (mid-70's on ) regulatory world, as you know, waste disposal facilities are required to have closure plans and post-closure plans. However, I am not familiar with the regulatory structure pre-1975 for ocean disposal.

Hope this helps and I hope your trip goes well today,  
John

John Lyons

Acting Deputy Director  
Region 9 Superfund and Emergency Management Division  
(415) 972-3889  
(415) 265-0908(cell)

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**From:** Busterud, John <[Busterud.John@epa.gov](mailto:Busterud.John@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 8:42 PM  
**To:** Alpern, Michael <[Alpern.Michael@epa.gov](mailto:Alpern.Michael@epa.gov)>  
**Cc:** Munoz, Charles <[munoz.charles@epa.gov](mailto:munoz.charles@epa.gov)>; Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>;  
Lyons, John <[Lyons.John@epa.gov](mailto:Lyons.John@epa.gov)>; Gill, Sonam <[Gill.Sonam@epa.gov](mailto:Gill.Sonam@epa.gov)>  
**Subject:** RE: Talking pts for your call with Sen Feinstein

Mike, Enrique and team,

Thanks so much for your earlier briefing and quick turnaround on the talking points after hours!

Just two follow-up items:

1. Which agencies approved the original deep water dumping depicted in the report you showed me? (for my background); and
2. Just to confirm, the agencies on point for assessing the ecological impacts of the deep water dumping, including that described in the LAT article, are the Natural Resource Trustees: NOAA, DOI and the state agencies, correct?

I'll take my answer "off the air" and can discuss with Enrique tomorrow.

Thanks again,

John

John W. Busterud  
Regional Administrator, Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 947-4235

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**From:** Alpern, Michael <[Alpern.Michael@epa.gov](mailto:Alpern.Michael@epa.gov)>  
**Sent:** Wednesday, October 28, 2020 7:14 PM  
**To:** Busterud, John <[Busterud.John@epa.gov](mailto:Busterud.John@epa.gov)>  
**Cc:** Munoz, Charles <[munoz.charles@epa.gov](mailto:munoz.charles@epa.gov)>; Manzanilla, Enrique <[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>;  
Lyons, John <[Lyons.John@epa.gov](mailto:Lyons.John@epa.gov)>; Gill, Sonam <[Gill.Sonam@epa.gov](mailto:Gill.Sonam@epa.gov)>  
**Subject:** Talking pts for your call with Sen Feinstein

Hi John,  
Please find below suggested messages for you to deliver to Sen Feinstein on tomorrow's call. Superfund drafted (thanks Enrique); ORC and I have both reviewed.

Regards,

Mike Alpern - Director, Public Affairs  
U.S. EPA Region 9 (Pacific Southwest)  
(415) 947-4142 | [alpern.michael@epa.gov](mailto:alpern.michael@epa.gov)  
Follow us on Twitter: @EPAregion9  
<image001.gif>

#### **Intro**

- I appreciate your interest in the underlying situation discussed in the LA Times article. We are interested as well, and were in frequent touch with the reporter as she developed the piece.

#### **Deep water ocean dump sites**

- The existence and use of deep water ocean dump sites is well known and has been fairly well documented, as early as 1973.
- In addition to the two sites off Catalina Island, there are 11 more off the Southern California coast that were approved to receive chemical, refinery and other wastes from the 1930's through the 1960's.

#### **Federal/state response to Montrose**

- The Superfund Natural Resource Trustees (DOI, NOAA and California agencies) did pursue Montrose and its parent companies in the litigation discussed in the article.
- The Trustees did settle their claims with the Montrose companies.
- The Trustees have established the Montrose Settlement Restoration Program to continue the work on ecological and natural resource impacts of the DDT released by Montrose off the coast of California.
- I would suggest that you and your staff discuss with the Natural Resource Trustees their damage assessment and claims that were part of that litigation, as well as their current work and plans.

#### **Superfund**

- EPA's Superfund Program work has been confined to the near shore area, the Palos Verdes Shelf, where large quantities of DDT were released from the Montrose Torrance plant through sewer lines running directly to the ocean floor.
- From a human health perspective, we implemented extensive, highly successful educational outreach and inspection programs to address possible hazards to the subsistence fishing community.
- Our ongoing evaluation of sediment, water, and fish long-term cleanup strategies is being done in close consultation with federal (NOAA, USGS, FWS), state, local, NGO, and academic technical experts.
- EPA also pursued Montrose Corporation and its parent companies under the Superfund law for the DDT contamination from its Torrance plant. That litigation is also mentioned in the article. The litigation continues and remaining issues are scheduled for trial in December 2020.
  - **If Pressed:** We are unable to comment on the litigation.